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09/826,345	04/04/2001	Bin Huang	HUANG-2K01	3906

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EXAMINER
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STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/826,345

Applicant(s)

HUANG, BIN

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The amended Abstract is sufficient to overcome the prior cited objection.

### ***Claim Objections***

2. A substantial portion of the spelling and grammatical errors have been corrected in Applicant's response. However, at least the following issues remain:

3. Claim 4 recites "a shopping cart for temporary storing multiple orders" in line 3. The Examiner recommends that the claim be amended to recite " a shopping cart for temporarily storing orders".

4. Claim 11 recites "said step a) of....through an Internet system further comprising" in lines 2-4. The Examiner recommends that the claim be amended to recite "said step a) of....through an Internet system further comprises".

5.

6. Claim 12 recites "a method for receiving and responding an electronic commerce message" in lines 1-2. The Examiner recommends that the claim be amended to recite "a method for receiving and responding to an electronic commerce message".

7. Claim 15 recites "said process connection mean comprising a stream" in line2.

The Examiner recommends that the claim be amended to recite "said process connection means comprises".

8. Applicant's assistance is requested and appreciated in identifying any additional errors that may be present in the claims.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. With regard to claim 7, step b) is unclear, since it is unclear what action is taking place in response to the request. The Examiner recommends amending the claim to recite "responding to said request received by said receiving process by instantiating a transmission process", since it appears that the instantiation of the transmission process is intended to be the response to the request.

12. With regard to claim 8, step d) is unclear, since it is unclear what action is taking place in response to the response. The Examiner recommends amending the claim to recite "receiving and responding to said response sent from said direct-resource provider by instantiating a second transmission process", since it appears that the instantiation of the second transmission process is intended to be the response to the request.

13. With regard to claim 9, the limitation "connection of a requester transmission process transmitted from said net-requester" in step a) renders the claim unclear. The Examiner recommends that the claim be amended to reflect that the stream-socket connection is set up between a transmission process on the net-requester and a receiving process on the master server, and it has been interpreted this way for the purpose of applying prior art. Step b) includes a similar recitation, and should also be amended to reflect whom the socket is connected to and what is transmitted through the socket.

14. With regard to claim 10, the limitations "said step c)" and "said step d)" in lines 2 and 9 lack antecedent basis. Neither claim 9 or claim 7, from which it depends, contain a step c) or step d). The Examiner recommends that claim 9 be amended to depend from claim 8.

***Response to Arguments***

15. Applicant's arguments filed 2/8/05 have been fully considered but they are not persuasive.

16. Applicant traverses the rejections of claims 1-18, asserting that the filing date of Kargman et al., Nov. 29, 2001, is later than the filing date of the present application, April 4, 2001. Applicant further asserts that the present application claims priority to a US provisional application, 60/194,675, filed on April 4, 2000.

However, Kargman et al. is a continuation of US application 09/276,252, giving it an effective filing date of Mar. 25, 1999 and making the reference available as prior art under 35 USC 102(e) as of Mar 25, 1999, which is prior to the earliest effective filing date of the present application. See MPEP 706.02(f) (1).

Therefore, Applicant's arguments are not persuasive.

### ***Claim Rejections - 35 USC § 102***

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. Claims 1-4, 7-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kargman et al. (US 2002/0038261).

19. With regard to claim 1, Kargman et al. (Kargman, hereafter) discloses an Internet system, comprising: an electronic-commerce (e-commerce) engine comprising a master server (central website) connected to a store manager personal computer (PC) and an e-commerce customer (Par 2); and said master server comprising a redirection means for redirecting a data received from said e-commerce customer to said store manager PC (order is sent directly to local store), and redirecting a responding data received from said store manager PC to said e-commerce customer (estimated delivery time or other information is returned), to enable a real-time on-line communication between said e-commerce customer and said store manager PC (Par 17, Lines 19-32).

20. With regard to claim 2, Kargman further discloses that said e-commerce engine further comprises a Web page processor for providing Web pages to said e-commerce customer and said store manager PC (central web-site) (Par 2).

21. With regard to claim 3, Kargman further discloses that said e-commerce engine further comprises a database for storing a good-or-service catalog (menu and pricing) for said store manager PC for allowing said e-commerce customer to order said good-or-service from said store manager PC (Par 5).

22. With regard to claim 4, Kargman further discloses that said e-commerce engine further comprises a shopping cart for temporarily storing multiple orders selected by said e-commerce customer (Current order contains several items) for generating a verifying web-page for review and confirmation by said e-commerce customer (Par 15).

23. With regard to claim 7, Kargman discloses a method for generating a virtual-direct interaction between a net-requester for a good-or-service and a direct resource provider for providing said good-or-service comprising: instantiating a receiving process for receiving a request from said net-requester for said good-or-service through an Internet system (Order is placed at central web site)(Par 15); and responding to said request by said receiving process for instantiating a transmission process for transmitting data through said Internet system to said direct-resource provider for providing said good-or-service through said Internet system (Order is forwarded directly to local store)(Par 17, Lines 19-32).

24. With regard to claim 8, Kargman discloses instantiating a second receiving process for receiving a response from said direct resource provider in response to said request (Receives delivery time info, etc)(Par 17, Lines 19-32); and receiving and responding to said response sent from said direct resource provider for instantiating a second transmission process for transmitting data to said net-requester for said good-or-service through said Internet system (Confirmation is sent to customer) (Par 17, lines 24-32).



25. With regard to claim 9, Kargman further discloses that said step a) of instantiating said receiving process further comprises a step of generating a first stream socket connection of a requester transmission process transmitted from said net-requester to said receiving process instantiated by a master server program; and said step b) of instantiating said transmission process further comprises a step of generating a second stream socket connection of said transmission process with said receiving process instantiated by a said direct-resource program for transmitting data through said Internet system to said direct-resource for provider. Since the customer computer, central web site, and local store computers are all connected via the Internet (Par 2), then all communications are done using sockets to connect the computers and transfer the order information.

26. With regard to claim 10, Kargman further discloses that said step c) of instantiating said second receiving process further comprises a step of using said second stream socket connection in step b) for transmitting data received from said direct-resource provider by said second receiving process instantiated by a master server program; and said step d) of instantiating said second transmission process further comprises a step of using said first stream socket connection in step a) for transmitting data to said net requester through said Internet system. Since the customer computer, central web site, and local store computers are all connected via the Internet

(Par 2), then all communications are done using sockets to connect the computers and transfer the order information.

27. With regard to claim 11, Kargman further discloses that said step a) of instantiating a receiving process for receiving a request from said requester for said good-or-service through an Internet system further comprises a step of providing an Internet Web page to enabling said requester to enter said request for said goods-or-services (Par 12, Lines 1-4 and Par 15, Lines 1-6).

28. With regard to claim 12, Kargman discloses a method for receiving and responding to an electronic commerce message between networked data handling systems comprising: receiving an electronic-commerce requesting message from a requesting data handling system (Order is placed at central web site)(Par 15) and generating a virtual-direct interaction by redirecting said electronic commerce requesting message in real time to a networked responding data handling system (Order is forwarded directly to local store)(Par 17, Lines 19-32).

29. With regard to claim 13, Kargman further discloses receiving and redirecting a response (Receives delivery time info, etc)(Par 17, Lines 19-32) for responding to said electronic commerce requesting message from said respondent data handling system to said requesting data handling system for providing said virtual-direct interaction

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between said requesting data handling system and said respondent data handling system (Confirmation is sent to customer) (Par 17, lines 24-32).

30. With regard to claim 14, Kargman discloses a network system for generating a virtual-direct interaction between a net-requester for a good-or-service and a direct-resource provider for providing said good-or-service comprising: a process instantiating means for instantiating a receiving process (Order is received at central web site)(Par 15) and a transmitting process (Order is forwarded directly to local store)(Par 17, Lines 19-32) for receiving and transmitting a request and a response; a process connecting means (central web site connects customers with local stores) for connecting said transmission process with said receiving process for enabling said net-requester for good-and-service and said direct-resourceprovider for providing said good-or-service to have a virtual-direct interaction for conducting a real-time interactive communication on said network system (Order is forwarded to local store and confirmed by local store in real time)(Par 17, Lines 19-32).

31. With regard to claim 15, Kargman further discloses that said process connection means comprising a stream socket connection means for generating a stream socket for connecting said transmission process with said receiving process. Since the customer computer, central web site, and local store computers are all connected via the Internet (Par 2), then all communications are done using sockets to connect the computers and transfer the order information.

32. With regard to claim 17, Kargman further discloses that said redirection means redirecting a data relating to a purchase-merchandise received from said e-commerce customer to said store manager PC to enable real-time on-line communication between said e-commerce customer and said store manager PC for completing a transaction of said purchase-merchandise (Data is related to a restaurant order) (Par 2).

***Claim Rejections - 35 USC § 103***

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kargman et al. (US 2002/0038261) in view of DynIP.

35. With regard to claim 5, while the system disclosed by Kargman shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that said e-commerce engine further comprises a store manager PC registration-and log-in/log-out processor for registering and logging in and out said store manager PC to obtain a dynamic IP address of said store manager PC.

DynIP teaches the use of a log-in/log-out procedure for the purpose of obtaining the dynamic IP address of a registered client. This allows the client to use dynamic addressing, which is the most common addressing means, but still keep other computers informed of the current address being used. Whenever a client changes its IP address, it logs into the DNS server and notifies it of the change, so packets destined for that system will be sent to the new address (DynIP, Page 16, Appendix A).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the store manager PCs log-in to the central website whenever their IP address changes, in order to notify the central server of the new address so information would be properly routed.

36. Claims 6,16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kargman et al. (US 2002/0038261).

37. With regard to claim 6, while the system disclosed by Kargman shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that said master server comprises a multiple thread means for redirecting data received from at least two e-commerce customers to at least two store manager personal computers in parallel.

However, threaded web servers are old and well-known in the art and nearly all web servers are multithreaded, since this allows multiple requests to be made simultaneously. Kargman discloses that multiple stores are served by the website (Par

2), so allowing multiple customers to access the website simultaneously would be extremely advantageous. A web server that is only capable of handling one connection at a time is not very useful, since customers would not be able to connect to the website whenever a customer is placing an order.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a multithreaded web server since this would allow multiple customers to place orders simultaneously.

38. With regard to claims 16 and 18, while the system disclosed by Kargman shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the data being redirected relates to a scheduled-reservation or a price-dependent purchase proposal.

However, Kargman discloses that other types of stores and restaurants could utilize the system. Scheduled-reservations or price-dependent purchase proposals are merely design choices regarding the specific type of data being transmitted, and are not essential to the functionality of the invention. Scheduled-reservations would be a common data type sent when a group of restaurants or other service relates stores are using the system and price-dependent purchase proposals would be a common data type sent for stores that sell tangible goods.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit scheduled-reservations or price-dependent

purchase proposals as a design choice depending on the types of stores connected by the system.

### ***Conclusion***

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS  
4/8/2005



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